

**WEST TISBURY ZONING BOARD OF APPEALS  
MINUTES JANUARY 31, 2007  
TOWN HALL 6:45**

**PRESENT:** Eric Whitman, Toni Cohen, Bob Schwier, Nancy Cole

**ABSENT:** Tony Higgins, Tucker Hubbell, Larry Schubert

**ALSO PRESENT for All or Part of the Meeting:** Pascal Albanese, Jeannie Hay-Sternbach, Peter Rodegast

**BUSINESS**

- The written Imbrogno decision was reviewed, approved and signed.
- Question from Simone: Should “attached” accessory structures be included in the definition of accessory structure. ZBA concluded it should be so it would match Section 11.2-2.

**HEARINGS**

**Continuation from January 24 of an application by Pyramid Construction on behalf of Charles Crovo for a Special Permit** for a 42’ by 28’ two-story garage, the 2<sup>nd</sup> story to be used as home office space. Sect. 11.2-2 of Zoning Bylaws (an over 676 sq ft accessory building on an under 3 acre lot requires a Special Permit from the ZBA); 201 Pond Rd, Map 30 Lot 2.56; RU Dist.; 2.75 acres. Previous Correspondence: 1) Susan Sugar Nathan; 2) Deep Bottom Pond Owners’ Association; 3) Statement from applicants and revised plans. New Correspondence: 1) DBPOA; 2) Pascal Albanese. All correspondence available in ZBA office.

Eric, Toni, Pascal and Julie attended a site visit on the property on Jan 29, joined by the Deep Bottom Associations ARC head, Marylou Perry. Bob and Nancy viewed the property separately.

Correspondence was read. Both were dated January 31 and “crossed in the mail” so to speak. Pascal wrote of not hearing further opposition to the project and noted that the DBPOA letter of last week was more concerned with procedure rather than the structure. He felt they’d got in a complete application to them, and had also addressed Ms. Nathan’s concerns of size and visibility. He wrote that their proposed structure would be less visible than most in the area. Deep Bottom Pond Owners Association wrote a letter identifying their concerns as discussed at a January 30 meeting. In short, they would require a statement that the structure would never be used as a residence and could not be composed of elements that would make the structure independently habitable as a residence. Three other points elaborated upon how 6 garage bays on one property and the size of the building would be inconsistent with the character of the neighborhood, would set a precedent, and would adversely impact the neighborhood. They concluded with, that their review was not complete nor a decision made, but they wanted to inform the ZBA of this review to date.

Pascal spoke of his surprise at the ARC letter; he had got a copy that day, after he had written his letter. They had had little negativity before from them. He also had felt the ZBA were separate from Deep Bottom. Eric explained that normally the ZBA pays no attention to private covenants and reviews, as they are charged with hearing applications under the criteria of the Zoning Bylaws. Deep Bottom however is an active private association with an active reviewing architecture Board. If the ZBA says yes to a project, and they say no, they may have the

enforcement power to stop a project. They can't negate the Town's Special Permit, but perhaps they can override it with their own legal agreements with the people who bought a house there. Eric reminded Jeannie and Pascal that there were only 4 members present, so they'd need a yes vote from each for approval\*\*.

Jeannie asked...if you give approval, then the ARC makes changes, do we need to apply to you again? The reply was, that depends...if the changes are small, the ZBA can approve them at a meeting. Big changes, then you do have to reapply to amend. Eric said that's a big lot out there, the trees would hide it and it is allowable by Special Permit. Bob asked how much living space there was on the 2<sup>nd</sup> floor. The answer was about 500 livable sq ft. Eric said, we could condition that it can't be used as a guesthouse. Nancy said, she feels it's too big and the house already has an attached garage with 3 bays. It's size does not go with the neighborhood. Both Bob and Nancy said they didn't see many detached garages in the neighborhood.

Eric said, it's big, but it could be allowed. Nancy repeated, it's big. Pascal said he could understand concerns about the 6 bays. He chose the design and liked it and felt it would go well on the lot. He is trying to do his best on behalf of his clients. Jeannie asked if it was best if they withdraw the application? Bob asked if the size could be reduced? Pascal said he'd have to contact the owner, not his decision to make, however, the owner hopes to build this building. The two applicant's agents were told they could continue the hearing rather than withdraw and perhaps start all over. After a short discussion of possibilities for reducing the size, Pascal and Jeannie accepted the offer to continue until April 4. This would give them time to confer with the client, come up with an alternative or decide to withdraw. This would be within the time limits for ZBA acting on the application. Re-notification will take place. Should they want to return sooner, they can notify the ZBA.

## **OTHER CORRESPONDENCE**

Phone calls and email from Paul Foley. MVC is voting on Jim Hart tomorrow and he called ZBA and Planning Board to see what's going to happen to it when it comes back to the Town. Pl. Bd. sent it to them, as they were original permit givers. Since it now has an over 3,000 sq ft use, the Pl Bd will probably pass it on to ZBA, though they may have to be involved with some of the permits, such as impervious in Greenlands and accesses.

The meeting was adjourned at 8:25.  
Respectfully submitted, Julie Keefe Board Admin.

(Scrivener's note: Caps off to the quorum of 4: one had surgery that afternoon and was accompanied to the hearing by her husband, another was on crutches with a broken ankle, another had taken her husband to the emergency room at 5 PM, and while he was in x-ray, dashed up-island to the meeting, and the fourth had "stuff" as well.)